

Serial No. 09/877,360

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed, and reconsideration and favorable action is respectfully requested.

CLAIM REJECTION UNDER 35 U.S.C. 103(a)

Claims 1 and 2 were originally rejected under 35 U.S.C. 103(a) as being unpatentable over Hideaki (JP11-232864) in view of Terui et al. (US-5,903,871) and further in view of McDonnell et al. (US-4,396,800).

Responsive to this, claims 1 and 2 are amended so as to make the claimed invention more distinguishably patentable over the prior art references cited by the Examiner. In addition, new claims 3 and 4 are added so as to make the claimed invention more distinguishably patentable over the prior art references cited by the Examiner. Applicant also submits the following comments.

The claimed invention discloses "a digital recording microphone comprises: a hollow rod, a head disposed on the hollow rod, a connector disposed in a bottom of the hollow rod, a digital recorder disposed in the hollow rod, and a cover disposed on the hollow rod to cover the digital recorder, the hollow rod having a speaker, a line-in jack, an earphone jack, and a personal computer connecting jack, the digital recorder having a display, a pause button, a fast-selection button, a hold button, a play button, a clear-away button, a repeat button, a record button, a fast-forward button, a recording-mode button, a memory device, and a plurality of cells, wherein the digital recorder converts a voice into a digital file" as disclosed in the amended claim 1.

With reference to the Hideaki reference, it disclosed a recording-and-reproducing device 1 comprising a housing 3, and a recording-and-reproducing part 4 mounted on the housing 3. The recording-and-reproducing part 4 includes an operation unit 440 including a recording button 441, a reproduction button 442, a stop button 443, a halt button 444, a fast forward/rewinding button 445, and a cue marker button 446.

In comparison, in the Hideaki reference, the operation unit 440 has a recording-and-reproducing function, but the operation unit 440 does not function as a "digital" recorder and cannot convert a voice into a digital file.

Thus, the Hideaki reference does not teach "a digital recorder disposed in the hollow rod, and the digital recorder converting a voice into a digital file" as disclosed in the amended claim 1 of the claimed invention.

Serial No. 09/877,360

Therefore, from the above mentioned descriptions, it is apparent that the claimed invention has disclosed a digital recording microphone whose structure and function are quite different from and patentably distinguishable over that of the Hideaki reference. It is believed that the Hideaki reference, whether taken alone or in combination with the Terui et al. and McDonnell et al. references, does not provide the elements and objectives as are disclosed in the claimed invention, and cannot render obvious the claimed invention.

Accordingly, for all of the above-mentioned reasons, it is believed that the rejection of claim 1 under 35 U.S.C. 103(a) should be withdrawn, and the amended claim 1 should be allowable. It is further submitted that the amended claim 2 should be allowable for the same reasons as above-mentioned.

In addition, the Hideaki reference does not teach "the digital recorder is hidden in the hollow rod, and the cover is flush with a surface of the hollow rod" as disclosed in the new added claim 3 of the claimed invention.

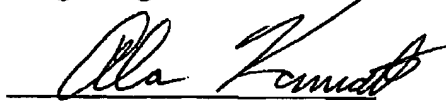
Further, the Hideaki reference does not teach "the digital recorder converts the voice into the word file directly" as disclosed in the new added claim 4 of the claimed invention.

Thus, it is further submitted that the new added claims 3 and 4 should be allowable.

In view of the foregoing amendments and remarks, Applicant submits that the application is now in a condition for allowance and such action is respectfully requested. If any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, he is urged to contact Applicant's attorney at the exchange listed below.

Respectfully submitted,

Tung-Liang Li



By Alan D. Kamrath
Attorney for Applicant
Nikolai & Mersereau, P.A.
900 Second Avenue South
Suite 820 International Centre
Minneapolis, Minnesota 55402-3813
Telephone: (612) 392-7306
Facsimile: (612) 349-6556

Date: July 22, 2004